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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,241	09/17/2003	Jonq-Shyan Wu	CFP-15139 (15745/403)	3746
23595	7590	03/07/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			STORMER, RUSSELL D	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

Office Action Summary

Application No.

10/664,241

Applicant(s)

WU ET AL.

Examiner

Russell D. Stormer

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2,4-6,8 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response

As a result of an interview with Mr. Alan Kamrath on January 19, 2005, it was determined that the office action dated December 14, 2004 did not include a PTO 892.

Accordingly, a supplemental office action is being mailed and the period for response will be restarted. Any inconvenience is regretted.

Election/Restrictions

1. Applicant's election with traverse of the embodiment of the track set forth in claims 1, 3, 7, and 9 in the reply filed on September 21, 2004 is acknowledged. The traversal is on the ground(s) that previously issued patents often include claims drawn to multiple embodiments; and the Examiner has not indicated that any extra effort would be required to search the multiple embodiments.

This is not found persuasive because:

1) What has transpired in the prosecution history of other patents is not relevant in the examination of the instant application.

2) For an election of species the Examiner is not required to indicate potential differences in the fields of search.

3) Applicant has filed an application with nine embodiments of the invention, shown in twelve figures, and set forth in ten claims. Many of the embodiments are not properly shown or described. Appellant has not provided a list of which claims read on which embodiments. To search and examine the nine embodiments and ten claims would have placed an extreme and undue burden on the Examiner, who is given only a

finite amount of time to examine the application, and is not afforded any extra time to examine multiple inventions in an application.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 2, 4, 5, 6, 8, and 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 21, 2004.

Claims 1, 3, 7, and 9 will be examined in the merits.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Therefore, the two side discs mounted on the sides of the main disc as set forth in claims 6-9 must be shown or the features canceled from the claims. None of the figures shows more than a single disc.

No new matter should be entered.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because the same reference characters are used to designate different parts or similar parts in different embodiments.

Although described as showing side discs, the reference character 50 actually points to the side of the main disc 10 in figures 7-10.

Further, reference characters such as 50 should be designated as 50, 50', 50", etc. when used to point out similar features in different embodiments.

Finally, many of the claims set forth an outer edge of the disc, and although mentioned in the specification, the drawings either do not show a distinct outer edge of the disc 10, or they lack a reference character to point out this claimed feature.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claim 1 is objected to because of the following informalities: In line 1 it appears that the word - -with- - should be inserted between “meshing” and “a”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by any one of Meyer, Engstrom, and Boggs et al.

9. Claims 1, 3, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Downey.

As shown in figures 2 and 3, the discs 5, 6 are mounted to the sides of the main sprocket wheel disc **S** and form annular recesses for the resilient members 8, 9.

10. Claims 1, 3, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Langhof et al.

As shown in figures 5 and 7, the annular resilient member 3 is disposed in a central annular groove defined by the annular shoulders 1 (in which the outer resilient members are implemented) and passing through the teeth 2, 2 of the sprocket.

Conclusion


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other sprocket wheels with resilient sound and vibration absorbing members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (703) 308-3768. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/25/05


RUSSELL D. STORMER
PRIMARY EXAMINER 2/25/05